

REMARKS/ARGUMENTS

Claims 1-13, 15-80 and 115-121 were examined and rejected. The claims have been amended as noted above. Reexamination and reconsideration of the claims, as amended, are respectfully requested.

Applicants thank Examiner Hoffman for the courteous and helpful interview on July 9, 2007. At that interview, applicants demonstrated a working model of the surgical aid device of the present invention. In particular, it was pointed out how the device comprises both a femoral component and a tibia component. The femoral component in turn includes both a stationary femoral member and an adjustable femoral member. In order to permit adjustment of tension on the ligaments while the knee is in flexion, is important that the adjustable femoral member both (1) have a condylar component for engaging the tibia when the knee is in flexion, and (2) a second component or a surface disposed at a right angle relative to the condylar portion for engaging the tibia when the knee is straight (an extension). It is further important that the adjustable femoral member be moveable in an anterior-posterior direction relative to the axis of the femur so that the spacing between the stationary member and the tibia may be adjusted while the knee is in flexion.

These features are neither taught nor suggested by the Gustilo, et al. '292 Patent. Gustilo teaches a particular type of tibial implant which is adjustable primarily in the axial direction relative to the tibia. While Figs. 8 and 11-14 describe one embodiment where a flat surface of the tibia member may pivot over a dome shaped surface, nowhere does Gustilo ever teach that the tibial component would have a condylar portion or that it be adjustable in an anterior-posterior direction.

As independent claims 1 and 42, the only independent claims in the application, have both now been amended to recite these two features of the invention, it is believed that all pending claims distinguish Gustilo had requested that the rejections over Gustilo be withdrawn.

Amendment dated July 19, 2007

Response to Office Action dated June 4, 2007

If for any reason the Examiner believes that the telephone conference would in any way expedite prosecution of the subject application, the Examiner is invited to telephone the undersigned at (650) 326-2400.

Respectfully submitted,

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